UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,609	10/23/2001	Tal Givoly	XACTP011	3679

28875	7590	02/08/2006	

Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
JEAN, FRANTZ B

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/045,609	GIVOLY ET AL.
	Examiner	Art Unit	
	Frantz B. Jean	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 October 2001</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-4 and 6-24</u> is/are rejected.
7) ☒ Claim(s) <u>5</u> is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All b) ☐ Some * c) ☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/28/03</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/28/03 was filed is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The foreign priority paper filed 8/26/02 has been considered by the examiner.

Claim Objections

Claim 21, line 3, is objected to because of the following informalities: delete – p1 --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 5 recites the limitation the "values" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 23-24 are rejected under 35 U.S.C. 101 because they are directed to a computer program product for synchronizing a first table and a second table. The preamble does not recite any machine to execute the program and the body of the claim has no steps that require use of hardware to accomplish the method steps.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4 and 6-24 are rejected under 35 U.S.C. 102(e) as being anticipated by

Drapper et al. US patent Number 6,192,365 B1.

As per claims 1, 19 and 20, Drapper teaches a computer program product, a

system and a method for synchronizing a first table and a second table (col. 3 lines 26-

35), comprising: (a) determining a threshold value amount (col. 6 lines 15-29); (b)

synchronizing a first table with a second table (col. 3 lines 26-35); and (c) wherein a

manner (see specification page 3 lines 7-8; manner is equal to speed; therefore,

Drapper teaches this limitation see col 14 lines 7-23) in which the synchronization is

executed is based on the threshold value amount.

As per claim 2, Drapper teaches a method as recited in claim 1, wherein the threshold value amount is indicative of an amount of value corresponding to a lack of perfect synchronization between the first table and the second table (col. 5 line 25 to col. 6 line 29).

As per claim 3, Drapper teaches a method as recited in claim 1, and further comprising rejecting (abort) the synchronization if the threshold value amount is exceeded (col. 23 lines 9-19).

As per claim 4, Drapper teaches a method as recited in claim 2, wherein the components of the data being synchronized have a value amount associated therewith (col. 5 lines 14 et seq).

As per claim 6, Drapper teaches monetary value (reducing implementation cost that is considered as monetary value col. 12 lines 36-38).

As per claim 7, Drapper teaches a method as recited in claim 1, wherein the tables are components of databases (see fig 2 element 42).

As per claim 8, Drapper teaches a method as recited in claim 7, wherein at least one of the databases is persistent (see fig 2).

As per claim 9, Drapper teaches a method as recited in claim 1, wherein the first table and the second table are synchronized utilizing the Internet (network connection 52).

As per claim 10, Drapper teaches a method as recited in claim 2, and further comprising determining whether a user is affected by the lack of perfect synchronization between the first table and the second table (col. 1 lines 31-64).

As per claim 11, Drapper teaches a method as recited in claim 2, and further comprising determining whether a set of users are affected by the lack of perfect synchronization between the first table and the second table (col. 1 lines 31-64).

As per claim 12, a method as recited in claim 11, wherein the threshold represents an average value considering a number of the users is implicit in Drapper.

As per claim 13, Drapper teaches a method as recited in claim 11, and further comprising determining a number of the users affected by the lack of perfect synchronization between the first table and the second table (col.1 lines 31-64).

As per claim 14, Drapper teaches a method as recited in claim 13, and further comprising rejecting the synchronization if the number of the users exceeds a predetermined amount (Drapper teaches means for removing/rejecting synchronization col. 39 lines 38-42; col. 23 lines 9-19).

As per claim 15, Drapper teaches a method as recited in claim 2, and further comprising rejecting the synchronization if at least one predetermined user is affected by the lack of perfect synchronization between the first table and the second table (Drapper teaches means for removing/rejecting synchronization col. 39 lines 38-42; col. 23 lines 9-19).

As per claim 16, Drapper teaches a method as recited in claim 1, and further comprising rejecting the synchronization if the threshold of a predetermined user is exceeded (Drapper teaches means for removing/rejecting synchronization col. 39 lines 38-42; col. 23 lines 9-19).

As per claim 17, Drapper teaches a method as recited in claim 2, and further comprising rejecting the synchronization if an average amount of lack of synchronization among a plurality of users exceeds a threshold (Drapper teaches means for removing/rejecting synchronization col. 39 lines 38-42; col. 23 lines 9-19).

As per claim 18, Drapper teaches a method as recited in claim 1, wherein a trigger with which the synchronization is executed is based on the threshold value amount (col. 5 line 25 to col. 6 line 29).

As per claims 21 and 23, Drapper teaches a method for synchronizing a first table and a second table (col. 3 lines 26-35), comprising: (a) determining a threshold value amount

(col. 6 lines 15-29); (b) synchronizing a first table with a second table (col. 3 lines 26-35); and rejecting the synchronization if the threshold value amount is exceeded (Drapper teaches means for removing/rejecting synchronization col. 39 lines 38-42; col. 23 lines 9-19).

As per claim 22, Drapper teaches a method as recited in claim 21, wherein the value is in terms of monetary value (reducing implementation cost that is considered as monetary value col. 12 lines 36-38).

As per claim 24, Drapper teaches a computer program product as recited in claim 23, wherein the value is in terms of monetary value(reducing implementation cost that is considered as monetary value col. 12 lines 36-38).

Allowable Subject Matter

Claim 5 is objected to, upon correcting the 112 rejection, as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean

FRANTZ B. JEAN
PRIMARY EXAMINER